

THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

BOARD OF TRUSTEES OF THE
CARPENTERS HEALTH AND
WELFARE TRUST FUND FOR
CALIFORNIA et al.,

Case No. 08-1137-SBA

Plaintiffs,

**ORDER ADOPTING REPORT AND
RECOMMENDATION RE PLAINTIFFS'
MOTION FOR DEFAULT JUDGMENT**

v.

[Docket No. 29, 39]

ACOUSTITEC

Defendants.

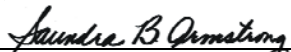
Pending before the Court is Plaintiffs' Motion for Default Judgment. [Docket No. 28]. On June 17, 2009, Magistrate Judge Chen issued a Report and Recommendation ("R&R") (Docket No. 39). The Court has considered the R&R and agrees with the Magistrate Judge's reasoning. Furthermore, there have been no objections within the allotted statutory time.

Accordingly, the Court ADOPTS the R&R and GRANTS Plaintiffs' Motion for Default Judgment.

Defendant Acoustitec is ordered to submit to an audit of its financial records as required by the agreement to which they are bound. Once judgment in this case is entered, however, Plaintiffs may be barred by the doctrine of res judicata from recovering additional delinquent payments for the relevant time period that they may discover they are owed through an audit. *See Int'l Union of Operating Engineers v. Karr*, 994 F.2d 1426, 1430 (9th Cir. 1993). Therefore, to provide Plaintiffs adequate time to conduct an audit, judgment shall not enter until sixty days after the date of this order. Plaintiffs may request additional time. If Plaintiffs fail to do so, the Court will enter judgment sixty days after the date of this order and close the file.

IT IS SO ORDERED.

Dated: 7/15/09


SAUNDRA BROWN ARMSTRONG
United States District Judge